

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

IN THE MATTER OF THE EXTRADITION	§	
	§	
OF	§	Cr. G-15-19-MJ-1
	§	
MOJMIR PALENIK	§	
	§	
	§	

CERTIFICATION OF EXTRADITABILITY
AND
ORDER OF COMMITMENT

The Court has received the Complaint filed on April 24, 2015, by Melvin R. Pechacek, Assistant United States Attorney for the Southern District of Texas, for and on behalf of the Government of the Czech Republic, pursuant to that Government's request for the extradition of MOJMIR PALENIK. The Court has also received an affidavit executed by MOJMIR PALENIK and witnessed by his attorney, Tom Berg.

On June 19, 2015, MOJMIR PALENIK appeared before the Court in open session, accompanied by his attorney, and in the presence of the aforementioned Assistant United States Attorney. The Court addressed MOJMIR PALENIK and is satisfied that he is aware of his rights as set forth in the affidavit of consent to extradition and that the affidavit was executed knowingly and voluntarily.

Inasmuch as MOJMIR PALENIK has conceded that he is extraditable on the charges for which extradition was requested, and has consented to a certification by this Court to that effect, and has further consented to remain in custody pending the arrival of agents from the requesting state to effect his transfer to the requesting state, the Court finds on the basis of the record herein

and the representations of MOJMIR PALENIK and counsel that:

1. the undersigned judicial officer is authorized under Title 18, United States Code, Section 3184, to conduct an extradition hearing;
2. the Court has personal jurisdiction over MOJMIR PALENIK and subject matter jurisdiction over the case;
3. there is currently in force an extradition treaty between the Government of the United States and the Government of the Czech Republic found in the Extradition Treaty between the United States of America and the Czechoslovak Republic, signed July 2, 1925, as amended by the Supplementary Treaty between the United States of America and the Czechoslovak Republic, signed April 29, 1935, and the Second Supplementary Treaty on Extradition between the United States of America and the Czech Republic, signed May 16, 2006;
4. MOJMIR PALENIK is wanted by the Czech Republic to serve a four-year prison sentence issued by the Judgment of the District Court in Melnik on December 13, 2004, file No. 14 T 112/2004, which became final on February 23, 2005, arising out of charges that he committed two criminal offences of fraud under Section 250(1)(3)(b) of the Criminal Code 1961, in accordance with the Warrant of Arrest issued for PALENIK by the District Court in Melnik on March 7, 2011 under file No. 14 T 112/2004;
5. these charges constitute extraditable offenses within the meaning of Article II of the Treaty;
6. the requesting state seeks the extradition of MOJMIR PALENIK to serve the sentence imposed; and
7. MOJMIR PALENIK has stipulated that there is probable cause to believe that he committed the offenses for which extradition is sought.


Based on the foregoing findings, the Court concludes that MOJMIR PALENIK is extraditable for each offense for which extradition was requested, and certifies this finding to the Secretary of State as required under Title 18, United States Code, Section 3184.

IT IS THEREFORE ORDERED that the Clerk of the Court deliver to the Assistant United States Attorney a certified copy of this Certification of Extraditability and the executed Affidavit of Consent to Extradition and, further, that the Clerk forward certified copies of the same to the Secretary of State (to the attention of the Legal Adviser) and the Director, Office of International Affairs, Criminal Division, U.S. Department of Justice, in Washington, D.C., for the appropriate disposition.

IT IS FURTHER ORDERED that MOJMIR PALENIK be committed to the custody of the United States Marshal pending final disposition of this matter by the Secretary of State and arrival of agents of the requesting state, at which time MOJMIR PALENIK will be transferred to the custody of the agents of the requesting state at such time and place as mutually agreed upon by the United States Marshal and the duly authorized representatives of the Government of the Czech Republic to be transported to the Czech Republic.

SO ORDERED.

Dated this 19th day of June, 2015.



JOHN R. FROESCHNER
United States Magistrate Judge
Southern District of Texas

